

Attorney's Docket No. 1759.17207-FOR

COMBINED DECLARATION AND POWER OF ATTORNEY
(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (*check one applicable item below*)

- original
 design
 supplemental

NOTE: *If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.*

- national stage of PCT

NOTE: *If one of the following 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.*

- divisional
 continuation
 continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

WARNING: *If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.*

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION
Methods and Devices for Treating Fractured and/or Diseased Bone

SPECIFICATION IDENTIFICATION

the specification of which: (*complete (a), (b) or (c)*)

- (a) is attached hereto.
(b) was filed on 5 April 2001 as Serial No. 09/827,260
 or Express Mail No., as Serial No. not yet known _____
 and was amended on _____ (if applicable).

NOTE: *Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.*

- (c) was described and claimed in PCT International Application No. _____
 filed on _____ and as amended under PCT Article 19
 on _____ (if any).

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56

(also check the following item, if desired)

- [] In compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR 1.98.

PRIORITY CLAIM (35 U.S.C. § 119)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) [x] no such applications have been filed.
(e) [] such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

A. PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. S 119

| COUNTRY (OR INDICATE IF PCT) | APPLICATION NUM- BER | DATE OF FILING (day, month, year) | PRIORITY CLAIMED UNDER 37 USC 119 |
|---------------------------------|-------------------------|--------------------------------------|--------------------------------------|
| | | | [] YES NO [] |
| | | | [] YES NO [] |
| | | | [] YES NO [] |
| | | | [] YES NO [] |
| | | | [] YES NO [] |

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. S 120.

POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

Daniel D. Ryan (29,243)
Joseph A. Kromholz (34,204)
John M. Manion (38,957)
Arnold J. Ericson (16,879)

Allan O. Maki (20,623)
Patricia Jones (46,318)
Daniel R. Johnson (46,204)
Laura A. Dable (46,436)

(check the following item, if applicable)

[] Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

SEND CORRESPONDENCE TO
Daniel D. Ryan

DIRECT TELEPHONE CALLS TO:
Daniel D. Ryan (262) 783-1300

RYAN KROMHOLZ & MANION, S.C.
Post Office Box 26618
Milwaukee, Wisconsin 53226-0618

PHONE CALLS
(262) 783 - 1300

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor

| | | |
|--------------------------|---|---------------------------------|
| Reynaldo (GIVEN NAME) | A (MIDDLE INITIAL OR NAME) | Osorio FAMILY (OR LAST NAME) |
| Inventor's signature | <i>Reynaldo C. Osorio</i> | |
| Date <u>7/17/01</u> | Country of Citizenship | US |
| Residence | Daly City, California | |
| Post Office Address | 3049 Geneva Avenue Daly City, California 94014 | |



Full name of second joint inventor, if any

| | | |
|---------------------------|---|----------------------------------|
| Marialulu (GIVEN NAME) | Follmer (MIDDLE INITIAL OR NAME) | Follmer FAMILY (OR LAST NAME) |
| Inventor's signature | <i>Marialulu Follmer</i> | |
| Date <u>07-17-01</u> | Country of Citizenship | US |
| Residence | Santa Clara, California | |
| Post Office Address | 3408 Creighton Place Santa Clara, California 95051 | |



Full name of third joint inventor, if any

| | | |
|-------------------------|--|--------------------------------|
| Richard (GIVEN NAME) | W (MIDDLE INITIAL OR NAME) | Layne FAMILY (OR LAST NAME) |
| Inventor's signature | <i>Richard W. Layne</i> | |
| Date <u>7/17/01</u> | Country of Citizenship | US |
| Residence | Palo Alto, California | |
| Post Office Address | 1717 Woodland Avenue, No. 314 Palo Alto, California 94303 | |



Full name of fourth joint inventor, if any

| | | |
|----------------------|---|----------------------------------|
| Ryan (GIVEN NAME) | P (MIDDLE INITIAL OR NAME) | Boucher FAMILY (OR LAST NAME) |
| Inventor's signature | <i>Ryan Boucher</i> | |
| Date <u>7/18/01</u> | Country of Citizenship | US |
| Residence | San Francisco, California | |
| Post Office Address | 1424 Clay Street San Francisco, California 94107 | |



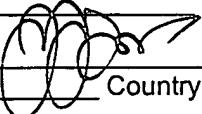
Full name of fifth joint inventor, if any

| | | |
|-----------------------|---|-----------------------------------|
| Karen (GIVEN NAME) | D (MIDDLE INITIAL OR NAME) | Talmadge FAMILY (OR LAST NAME) |
| Inventor's signature | <i>Karen D. Talmadge</i> | |
| Date <u>17 JU 01</u> | Country of Citizenship | US |
| Residence | Palo Alto, California | |
| Post Office Address | 2320 Bryant Street Palo Alto, California 94301 | |

SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sixth joint inventor, if any

| | | |
|------------------------|---|----------------------------------|
| Joseph (GIVEN NAME) | J (MIDDLE INITIAL OR NAME) | Basista FAMILY (OR LAST NAME) |
| Inventor's signature |  | |
| Date 7/17/01 | Country of Citizenship | US |
| Residence | Mountain View, California | |
| Post Office Address | 786 Hope Street, Apt. 3 Mountain View, California 94041 | |



Full name of seventh joint inventor, if any

| | | |
|----------------------|---|-----------------------|
| (GIVEN NAME) | (MIDDLE INITIAL OR NAME) | FAMILY (OR LAST NAME) |
| Inventor's signature |  | |
| Date | Country of Citizenship | |
| Residence | | |
| Post Office Address | | |



Full name of eighth joint inventor, if any

| | | |
|----------------------|---|-----------------------|
| (GIVEN NAME) | (MIDDLE INITIAL OR NAME) | FAMILY (OR LAST NAME) |
| Inventor's signature |  | |
| Date | Country of Citizenship | |
| Residence | | |
| Post Office Address | | |

CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH
FORM A PART OF THIS DECLARATION

[x] Signature for sixth and subsequent joint inventors. Number of pages added 1

* * *

[] Signature by administrator(trix), executor(trix) or legal representative for deceased or
incapacitated inventor. Number of pages added _____

* * *

[] Signature for inventor who refuses to sign or cannot be reached by person authorized under 37
CFR 1.47. Number of pages added _____

* * *

[X] Added pages to combined declaration and power of attorney for divisional, continuation, or
continuation-in-part (CIP) application.

[X] Number of pages added 4

* * *

[] Authorization of attorney(s) to accept and follow instructions from representative

* * *

*(If no further pages form a part of this declaration then end this declaration with this page
and check the following item:)*

[] This declaration ends with this page